

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

MAR - 4 2016

David J. Bradley, Clerk of Court

United States of America)

v.)

Henry ANDRES)

Case No.)

H16-314 M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 3, 2016 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. §1324(a)(1)(A)(iii)

Offense Description

knowing or in reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation

This criminal complaint is based on these facts:

See Attached Affidavit of HSI Special Agent Chris Lobdell

☒ Continued on the attached sheet.

Complainant's signature

Chris Lobdell, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

3-4-16

City and state:

Houston, Texas


Judge's signature

Mary Milloy, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

HENRY ANDRES

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§

No.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher Lobdell, being duly sworn, depose and state:

1. I am a Special Agent with the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since June 2005. As part of my daily duties as an HSI Special Agent, I am assigned to the HSI Houston Human Smuggling Investigations group which investigates criminal violations relating to alien smuggling, including the bringing in and harboring of certain aliens in violation of 8 U.S.C. § 1324 *et seq.* I have received training in the area of human smuggling and I have had the opportunity to observe and participate in numerous cases investigating violations of 8 U.S.C. § 1324.

2. This Affidavit is made in support of a criminal complaint charging Henry ANDRES with violations of 8 U.S.C. § 1324(a)(1)(A)(iii), which makes it a crime to knowing or in reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, conceal, harbor, or shield from detection, or attempt to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation.

3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted, my training, knowledge, experience, and based on my conversations with other law enforcement officers and agencies involved in this investigation.

4. This affidavit is for the limited purpose of establishing probable cause, and it is not a complete statement of all the facts related to this case.

5. In or about November of 2015, HSI Houston Special Agents obtained information from HSI Special Agents in Douglas, Arizona, indicating that an individual identified as Eustacio ANDRADE-Limon had been encountered and interviewed in Wilcox, Arizona, and admitted to having transported undocumented aliens from Houston, Texas to California. ANDRADE-Limon admitted to the agents in Douglas, Arizona of transporting loads of 7 to 8 undocumented aliens weekly for an individual identified as Henry BARRIENTOS in Houston, Texas, and indicated that he was returning to Houston, Texas, after having just dropped off a load of 8 undocumented aliens in Los Angeles, California.

6. On December 1, 2015, HSI Houston Special Agents conducted a consensual interview of ANDRADE-Limon regarding his admission to being involved in alien smuggling. ANDRADE-Limon indicated that a Henry BARRIENTOS (subsequently identified by HSI as Henry ANDRES) regularly delivered a van containing 7 to 8 undocumented aliens on a weekly basis to ANDRADE-Limon's residence in Houston, Texas. ANDRADE-Limon would then assume the driver responsibilities and transport the undocumented aliens, typically to California.

7. On March 2, 2016, ANDRADE-Limon notified me that ANDRES had contacted him to transport a load of undocumented aliens on the morning of March 3, 2016 to California. On March 3, 2016, HSI Houston Special Agents conducted surveillance at 7816 Brumblay Street in Houston, Texas, and at ANDRADE-Limon's residence at 7519 Thurow Street in Houston,

Texas. At approximately 5:20 AM, agents witnessed a dark green Dodge Caravan displaying Texas license plate DCP4795 leave the residence located at 7816 Brumblay Street in Houston, Texas. Surveillance units followed the vehicle to ANDRADE-Limon's residence located at 7519 Thurow Street in Houston, Texas where it parked in the driveway. Agents observed ANDRADE-Limon exit his residence and walk to the driver's side of the van. HSI agents approached the vehicle and initiated the arrest. The driver of the van was identified as Henry ANDRES. The vehicle was occupied by 7 additional males who were subsequently interviewed and determined to be in the United States illegally.

8. ANDRES was read his Miranda Rights warnings in the Spanish language. He then agreed to speak with Special Agents Ricardo Garza and Andres Garcia, Jr.

9. ANDRES admitted he harbored the undocumented aliens at his residence located at 7816 Brumblay Street in Houston, Texas until he arranged for the transportation of the undocumented aliens from Houston, Texas to Los Angeles, California. ANDRES admitted the undocumented aliens were kept in a separate bedroom of his residence. ANDRES admitted that he cooked food for the undocumented aliens and that he wrote down the names and telephone numbers of the aliens' family members to contact them and advise them of the transportation fees. ANDRES admitted he was paid \$300.00 per alien and also admitted he paid ANDRADE-Limon \$100.00 per alien to transport the undocumented aliens from Houston to Los Angeles, California. ANDRES provided a written statement of his involvement in the harboring and transportation of the undocumented aliens.

10. Special Agents Ricardo Garza and Andres Garcia, Jr. interviewed undocumented alien Raul Ernesto GUTIERREZ-Giren. GUTIERREZ-Giren was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. GUTIERREZ-Giren

identified ANDRES as the person who cooked meals for the aliens in the house at 7816 Brumblay Street in Houston, Texas, and contacted their families to advise them of the transportation fees. GUTIERREZ-Giren also stated that ANDRES later transported them to 7519 Thurow Street in Houston, Texas.

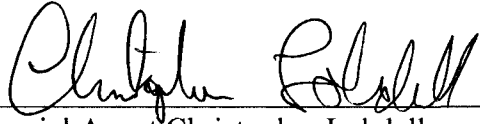
11. Special Agents Ricardo Garza and Andres Garcia, Jr. interviewed undocumented alien Jose Ovidio TORRES-Quineros. TORRES-Quineros was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. TORRES-Quineros identified ANDRES as the person who cooked meals for the aliens in the house at 7816 Brumblay Street in Houston, Texas, and later transported them to 7519 Thurow Street in Houston, Texas.

12. Special Agents Ricardo Garza and Andres Garcia, Jr. interviewed undocumented alien Francisco Chamale TEJAX. TEJAX was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. TEJAX identified ANDRES as the person who gave him coffee in the morning at 7816 Brumblay Street in Houston, Texas and later transported them to 7519 Thurow Street in Houston, Texas.

13. Special Agents Ricardo Garza and Andres Garcia, Jr. interviewed undocumented alien Ortez Roel JIMENEZ-Vasquez. JIMENEZ-Vasquez was presented with a photographic lineup and asked if he recognized any of the individuals in the photographs. JIMENEZ-Vasquez identified ANDRES as the person who gave him food and water at 7816 Brumblay Street in Houston, Texas and later transported them to 7519 Thurow Street in Houston, Texas.

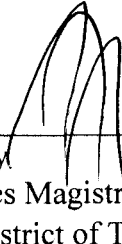
14. Based upon the evidence gathered from the investigation, I respectfully submit there is probable cause to believe that Henry ANDRES has violated 8 U.S.C. § 1324(a)(1)(A)(iii) in that he, knowing or in reckless disregard of the fact that an alien had come to, entered, or

remained in the United States in violation of the law, concealed, harbored, or shielded from detection, or attempted to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation.



Special Agent Christopher Lobdell
U.S. Immigration and Customs Enforcement
HSI Houston, Texas

Sworn and subscribed before me this March 4, 2016 and I find probable cause.



Mary Milloy
United States Magistrate Judge
Southern District of Texas

3-4-16